

**From:** [Miller, Garyg](#)  
**To:** [Foster, Anne](#)  
**Subject:** RE: Pesticides & Toxic Substances Law News for June 18, 2015  
**Date:** Thursday, June 18, 2015 11:54:38 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Thanks Anne – I was wondering whether it would pass.

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**From:** Foster, Anne  
**Sent:** Thursday, June 18, 2015 11:22 AM  
**To:** Miller, Garyg  
**Cc:** Salinas, Amy  
**Subject:** FW: Pesticides & Toxic Substances Law News for June 18, 2015

[Check the next to the last item.](#)

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**From:** Morgan, Jeanette  
**Sent:** Thursday, June 18, 2015 9:44 AM  
**Subject:** FW: Pesticides & Toxic Substances Law News for June 18, 2015

## Pesticides & Toxic Substances Law News for June 18, 2015

**Bloomberg** **Daily Environment Report™**  
**BNA**

*Chemicals*

[Engler Named Temporary CSB Chair While  
Staffers Linked to Old Regime Go on Leave](#)

In a series of personnel shake-ups at the top of the Chemical Safety and Hazard Investigation Board, a new interim chairman has taken the agency's reins and two top



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staffers tied to a former chairman have been sidelined, Bloomberg BNA...

#### *Emergency Response*

##### **With Renewed Focus on Public Safety, China Could Update Chemical Spill Response Plans**

A shift toward emphasizing public safety in China could mean that companies in the coming years could be asked to develop better emergency response strategies to deal with chemical accidents, industry experts said June 17. ...

#### *Nanotechnology*

##### **White House Seeks Nanotech Breakthrough Ideas**

The Obama administration is looking for "ambitious but achievable goals" for ways nanotechnology can be used to solve some of society's largest problems by the end of the 2020s. The White House's Office of Science and Technology...

#### *REACH*

##### **EU Chemicals Agency Calls for Input on Possible Concerns of DecaBDE Restriction**

The European Chemicals Agency's Socio-Economic Analysis Committee June 17 called for comments on a draft opinion in which it backs a wide-ranging restriction under the European Union's REACH law on the brominated flame retardant...

#### *REACH*

##### **EU Chemicals Agency Calls for Updating REACH Filings for Reproductive Toxicity Tests**

The European Chemicals Agency (ECHA) June 17 said that companies that have filed substance registrations under the European Union's REACH law should update their dossiers if necessary to bring them in line with a recent change on reproductive...



Inside EPA's **Weekly Report**, 06/19/2015

<http://insideepa.com/newsletters/inside-epa>

#### **Latest News**

##### **Senators Seek To Build Support To Protect TSCA Bill From 'Fringe' Riders**

Senators pushing a bipartisan bill to overhaul the Toxic Substances Control Act (TSCA) are working to build more support from moderate Democrats and Republicans to ensure a majority that can vote down "fringe" amendments that could doom the bill, such as attempts to block unrelated EPA rules or undo key TSCA reforms in the bill.

##### **Environmental Toxicologists Urge House To Guide EPA TSCA Risk Standard**

A professional group of environmental toxicologists is urging Congress to provide EPA guidance in defining and applying the "unreasonable risk" standard at the heart of the Toxic Substances Control Act (TSCA) that Congress is moving toward reforming, providing more detail than another group of toxicologists that has also called on lawmakers to direct EPA to define the term.

##### **EPA Expects To Release IRIS Development Handbook Later This Year**

Staff with EPA's Integrated Risk Information System (IRIS) program have completed a handbook on how to conduct IRIS assessments, a multi-year project begun as part of the agency's response to a critical National Academy of Sciences (NAS) review in 2011, and the agency expects to release the guidance later this year after an internal review.

## News Briefs

### **Former EPA General Counsel Fulton Named ELI President**

Former EPA General Counsel Scott Fulton has been chosen to be the next president of the Environmental Law Institute (ELI) -- a nonprofit, independent legal research and education center -- replacing John Cruden, who left ELI to head the Department of Justice's (DOJ) Environment and Natural Resources Division (ENRD).

## Greenwire

### **PEOPLE:**

### **Former EPA counsel to take helm of Environmental Law Institute**

[Jeremy P. Jacobs](#), E&E reporter

Published: Wednesday, June 17, 2015

The nonpartisan Environmental Law Institute today announced that former U.S. EPA general counsel Scott Fulton will be its next president.

Fulton, currently a principal at Beveridge & Diamond, will succeed John Cruden, who left ELI to lead the Justice Department's environmental division.

## PEOPLE

"Scott brings ELI an impressive combination of intellectual leadership on environmental issues, management skills, and strong relationships with regulators, the regulated community, and nongovernmental organizations in this country and around the world," said Edward Strohbehn, an attorney with Morgan, Lewis & Bockius LLP and chairman of ELI's board.

Fulton was EPA's general counsel from 2009 to January 2013, during which time he was influential in developing the legal defense of the Obama administration's first round of climate change regulations. He has worked in both Democratic and Republican administrations on a wide range of issues within EPA, including serving as the head of the Office of International Affairs and as a judge on the agency's Environmental Appeals Board.

Fulton is also a Justice Department veteran, is a member of the U.N. Advisory Council on Environmental Justice and teaches international environmental law at the George Washington School of Law.

"I am honored to join ELI, the world's premier nonpartisan think tank on environmental law and the leading international institute on environmental governance and rule of law," Fulton said. "I look forward to joining the talented leadership and staff at ELI in the effort to promote sound law and policy solutions to tough environmental problems -- both here at home and abroad."

Fulton is a graduate of the University of Massachusetts' business school, as well as the University of South Carolina's law school. Outside of law, he is an accomplished singer, songwriter and musical playwright, ELI said.

ELI, which was established in 1969, is widely respected both in industry and environmental circles. It operates academic, legal and policy arms. Fulton will be the organization's fifth president. He'll formally take the reins in September.

### **FEDERAL WORKFORCE:**

### **Data breach victims could sue government**

Published: Wednesday, June 17, 2015

Current and former federal employees affected by the latest data breach at the Office of Personnel Management may be able to sue the federal government, according to experts.

"The Privacy Act of 1974 clearly placed an obligation on federal agencies to protect information they

collected. It also created a mechanism for people to bring lawsuits against agencies that failed to safeguard information in their protection," said Marc Rotenberg, executive director of the Electronic Privacy Information Center.

OPM is currently notifying people affected, who may have had their Social Security numbers, birthdates, addresses and career information exposed, and offering them 18 months of credit monitoring and identity theft protections.

People suing the agency would need to prove under the Privacy Act that OPM was so negligent in protecting their data that its actions amounted to willful disclosure of the information. They would also need to prove that damage was done to them because of the agency's actions, which could be a tough bar to meet.

"At the moment, I don't know that there's any harm to be shown," said Bob Gellman, a privacy and information consultant.

"The agency was on notice that it had a security problem and failed to rectify it," Rotenberg said, referencing years of OPM inspector general reports that highlighted problems with the agency's digital defenses (Andrea Peterson, [Washington Post](#), June 17). -- BTP

## **WATER POLLUTION:**

### **Studies uphold health advisories issued after W.Va. chemical spill**

Published: Wednesday, June 17, 2015

Federal researchers said today chemicals that leaked during a 2014 spill in West Virginia's Elk River were likely to cause long-term health impacts only at exposures above the 1-part-per-million level identified in a health advisory.

The officials from the National Toxicology Program, part of the Department of Health and Human Services, said their study of pregnant rats showed reduced birth weight and fetal malformations, but only at levels thousands of times higher than allowed under restrictions issued after the spill of crude MCHM.

"The scientific results of the NTP studies released today upheld the drinking water advisory issued during the Elk River chemical spill, which is good and reassuring news for West Virginia residents who reside in the affected communities," said Bureau for Public Health Commissioner Rahul Gupta.

The scientists, however, said they did not examine the effects of inhalation of MCHM or how the exposure patterns were affected by a series of "flushing" actions at home water systems, which some advocacy groups say left them with more questions than answers (Ken Ward Jr., [Charleston \[W.Va.\] Gazette](#), June 16). -- SP

## **CHEMICALS:**

### **Moms' exposure to endocrine disruptors linked with birth defect**

Published: Wednesday, June 17, 2015

Mothers exposed to endocrine-disrupting chemicals during pregnancy are at higher risk for giving birth to baby boys with a genital defect, a French study has found.

The study, which examined more than 600 children in France, found that babies exposed to the chemicals were more likely to be born with hypospadias, a genital defect. Baby boys exposed to the chemicals saw a 68 percent higher risk than those who were not, the study said.

The condition, one of the most common genital defects in baby boys, usually requires surgery before the age of 2. About five of every 1,000 boys in the United States are born with the condition.

The study, which was published in the journal *European Urology*, seems "well-crafted and supports the thought that chemicals in the environment are affecting our genital well-being," said George Steinhardt, a pediatric urologist at the Helen DeVos Children's Hospital in Grand Rapids, Mich., who wasn't involved in the study (Brian Bienkowski, [Environmental Health News](#), June 16). -- SP

## **TEXAS:**

### **Governor signs bill cracking down on counties' pollution suits**

Published: Wednesday, June 17, 2015

Texas Gov. Greg Abbott (R) has signed a bill to make it harder for local governments to sue polluters for civil penalties.

The bill, which comes after Harris County prosecutors have pursued about 10 such cases each year, would limit counties to collecting about \$2 million in penalties when suing polluters. In addition, the law will set a five-year statute of limitations for counties to take action.

Recent legal victories for Harris County include a \$29.2 million settlement from McGinnes Industrial

Maintenance Corp. and Houston-based Waste Management Inc. for pollution in the San Jacinto Waste Pits.

The measure sailed through the Texas Legislature with little debate. Proponents, including Republicans and business interests, say it is unfair for local governments to target polluters with additional penalties when state regulators can already penalize their conduct.

Others said the measure would harm the public by making it harder to penalize violators.

"It is a terrible bill, and it is designed to protect polluters," said Terry O'Rourke, special counsel with the Harris County Attorney's Office (Jim Malewitz, [Texas Tribune](#), June 16). -- SP

## **MINNESOTA:**

### **Lawmakers ax pollution-fighting citizen board**

Published: Wednesday, June 17, 2015

Minnesota lawmakers have agreed to dismantle the state's Pollution Control Agency Citizens' Board as part of a legislative deal.

The board was founded in 1967 at the same time the Legislature created the Minnesota Pollution Control Agency in response to growing concerns about industrial contamination.

Its members included University of Minnesota professors and toxicologists.

"I think most people don't even know what they're losing," Citizens' Board member Carolyn Sampson said.

The board's first major achievement was measuring how much radioactive waste the Monticello nuclear power plant could release into the Mississippi River.

More recently, the board required a proposed dairy to prepare an environmental impact statement, reversing a recommendation from the state agency commissioner.

"That agency had a citizen board that was really well-informed and forced the best decisions for the citizens at a minimum cost," board member Dan Foley said. "I know we were making substantive decisions that were benefiting everybody."

While board members viewed the dairy case's reversal as a victory, it made lawmakers question the board's power.

Earlier this year, the Minnesota Chamber of Commerce and the Minnesota Farm Bureau lobbied to give the board a more advisory role.

"Farmers invest a lot of money putting together their plans to obtain these permits, and we want to make sure we know what the rules are before we invest the money," Farm Bureau lobbyist Kevin Paap said (Elizabeth Dunbar, [Minnesota Public Radio](#), June 16). -- AW

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